L.R

(1891-92) 177 of 1891

157

Subj: Appeal of Eswarappa and Siddappa claiming for the patkli office of Nalla kudre village Bhemgiri Taluk -

P.F. 166 of 1892

G. R. S. IX-5]

Previous references.

1891-92

192- .

(L. R.)

File No. 177 of 1891

Serial Nos. 1–7

Later references.

L Rep No 1418-32

L Rep No 679-33

LR 278-1941-42

L.R. 119-35 (Nos. 1, 2 & 3)

L.R. 119-35 (Nos. 4 & 5)

GENERAL AND REVENUE SECRETARIAT.

L.R. 186-38 (1-6)

L.R. 84-39-(12)

L.R. 88-48-1-5

Serial Nos. 1–7

Major ~~Part~~ B for January 1894.

SUBJECT.

Appeal of Eswaraka & Siddalka claiming for the Kaleeswara Swamy Temple village. Chennapatna Taluk.

To The Deputy Commissioner

No. 12741 Dated 3-1-94

P.F. 166-92

Towards Copy of the decision in the appeal & directs that on the occurrence the claims of the 2nd & 3rd Complainants - members of his family to be kept in consideration.

(D 223-3-PD—20,000—11-6-20)

Secretary

35

Precis of papers connected with the peti of Iswarappa and Siddap of Nallakudure village in Chennagiri Taluk claim the Patelli office of the said village:—

No 1

On the 9th April 18[illegible] Siddappa, nephew of patel Sidd presented a petition to t Deputy Commr Shimoga that the patelli of nallaku had been formerly gran to his ancestors under sanund, that his fath siddia had been holdi the office for some time the said Siddia had be convicted in a criminal case in 1869 and dis from his office, that basappa who had no whatever to the said had been since then during the duties, that accordance with the Proceedings No 929-3 dated the 9th May 1881 the descendants of Patel who had convicted in case and of his office

× should be male.

X

Samavirappa — Siddaiya (Patel)

Siddaiya (2nd Petn) — Ishwarappa (1st Petn)

× Pages 208 to appear (No 927-34—17 dated May 1881 (Vide pages manual page 272) as follows:—

In cases like the one under notice

their hereditary ri
and that under th
circumstances he sh
be appointed Patel.

The Deputy Comm
ordered that the petitioner
should produce the
orders issued by the Amildar.

Thereupon the above named Siddappa
son of Sanna Veerappa
elder brother of Patel
Boodia who had been
dismissed from his office,
presented a petition to
the Amildar of Bhimaji
that he was fully entitled
to the Patelki office, that
the lands attached to the
said office were in his
enjoyment only, that the
dismissed Patel Siddia
and his son Sangarappa
(present) had no objection
to his being appointed
Patel and that he might
accordingly be appointed.

The Amildar then
passed an Endorsement
as follows:-

Sanad has been
granted on the 23d July
to the Commissioner's
Army Karkoon
of this
Circle.

has to be dismiss
of an offence,
proper except i
some cases that
only shd be retroactive
in right to the offic
original appointme
a stranger to it. Nor
such a new nom
claim a hereditary
in the office. × ×

no 2 dated 5th July

no 3 dated 1st Nov

directed that one who was a resident of the said village and was not at all related to the above mentioned accused persons should be recommended for the Patel's office. Therefore it appears that your claims as the claims of one who was related to the dismissed Patel were not considered then.

Bascia who is now doing the duties was confirmed in his appointment at the Potgi settlement. He has been doing the duties for a very long time. It would not be just to recommend his removal from the office."

On the 26th January '91 Siddia produced copy of the above Endorsement and presented petition to the Deputy Commissioner that he might be appointed Patel.

The Deputy Commissioner on ordered that the Amildar's decision was correct and that [redacted] should not be the Patel of

No. 4

No. 139 of 26-1-91

Accordingly in the Patel
Registers also, prepared
in 1864, Kari veeria's
name is entered under
the head "Registerdar",
his younger brother Siddi's
name is also entered;
and under the head
"the person actually doing
the duties" Siddia's name
is entered. But, in
criminal case no 429 of
1869 on the file of the
District Magistrate of
Shimoga the Patel Siddi
Patel Basappa and Ka
veerappa were convicte
under Sec 161 & 109 of the
Indian Penal Code fo
receiving illegal gratifica
from the ryots at the ra
of half a rupee per
rupee of Kandayam pa
by them, and the
Sheristadar and
each sentenced to pay
a fine of Rs 100 vide Order
no 201 dated the 2
1869 was also issued
the effect that each of t
above said persons s
be dismissed
office. The Sh

Sec. 161. Receiving illegal gratification
Sec. 109. abetment

Levying black mail from ryots for the benefit of the measures of the Survey Department.

in his office No 4374
Pet 5 No 166-92
dated 15-9-92 to submit
the records of 1869 (Rev
and criminal) and of 1873
refd to in the amildars
report No 50 dated 6th July
1892, the Patels Register
of 1864 and the Pukka
Potgi Settlement Register
of 1879 together with a further
report as to when appellts
Sivarappa and Siddappa
attained their majority.

In reply to the above
letter the deputy Commrs
report× as follows:

× dated 30th June 1893

" × ×

. . . The revenue
records of 1869 and 1873
connected with the case
and referred to in the
amildars report No 50 of
the 6th July 1892 have been
destroyed. The Revenue
Head Record-keepers certi-
ficate to this effect is filed
in the Proceedings.

× × ×

The amildar of the
Chennagiri Taluk

5

Ezra appellation of the dismissed patel Siddi' gowda and Siddappa son of the said Siddi gowda's elder brother have now appealed against the above order.
They allege:-
That the patels office had been for a long time in the enjoyment of their elders.
That they were minors when the said Siddi' gowda was dismissed from his office.
That in accordance with the Dewan's Proc.[⊗] No. 924-3 dated 30th May 1881, the descendants of village servants who had been convicted in criminal cases and dismissed from their offices, should not be permanently deprived of their hereditary hak.

BCh

Precis continued:

Some of the important papers connected with the case not having been submitted by the Deputy Commr, he was requested

[⊗] The Proc. referred to appears to be No. 92-34-1 dated Bangalore 9th May 1881 (vide page 272 of Mysore Rev. Manual) quoted above.

reported in his Tilka
No. 619 dated 26th Nov.
last that Eswarappa
and Siddappa were about
24 ⊗ years old × × "

The Deputy Commr.
has however submitted
to this office, the proc.
in Cr. case No. 42 of 1869
on the file of the Dist.
Magte and the Extracts
from the Patel Register
of 1864 and the Pukka
Potgi settlement Register
of 1879.

In Criminal case
No. 42 of 1869 on the
file of the Dist. Magte,
the accused were 1 Annaji
Rao, 2 Patel Siddappa,
3 Basappa Patel, 4 Veeranna
Patel.

The Dist. Magte found
the 1st prisoner guilty of
the Charge viz receiving
an illegal gratification

1 ⊗
* At the time of the
Amildar's Report i.e
on 26th Nov. 1892 they
were about 24 years
old and at the time
of the Potgi settlement
they were about 11 or
12 years old (vide Amildar's
Report).

an offence punishable under Sc 161 of the Indian Penal Code and the 2d, 3d & 4th prisoners guilty of aiding and abetting him (1st accd), an offence punishable under Ses 161 & 109 of the Indian Penal Code.

We do sentence the 1st prisoner to pay a fine of Rs 400 in default to suffer Six months rigorous imprisonment to take effect from the expiration of the sentence that had been already passed on him by the said Court in Criminal Case No 32 of 1869. We sentence the 2d, 3d & 4th prisoners to pay a fine of Rs 100 each in default to suffer one month's rigorous imprisonment.

~~Extract from Police Register of 1868~~

In the Barabaluti

7

Register of Nallakundé village for the year 1864 under the head "Registered inhabitants" the following names are found:

1 Sivoria younger brother of Gowda Kalaveeria

2 Sidveeria son of Veerabhadria

3 Karaveeria son of Sivoria

4 Sidveeria son of Chennia.

Under the head "the person actually doing the duties" the name of Sivoria is mentioned

Column 6 of the said Register shews that ever since the death of the Sannadar Karaveeria which took place on the 23d July 1835 his younger brother Sivoria alone was doing the

duties, without Giri orders.

In the Pukka Potgi Regr under the head Hukdars the name of Basappa bin Veerabhadria is mentioned: In the same Regr under the head ~~Receipts~~ "Hukdars as per Regrs of 1864-65" the following names are mentioned:

1 Siddia
2 Siddaveeria bin Veerabhadria
3 ~~Kaaaa~~ Kanaveeria
4 Siddaveeria

The following order said to have been passed by Mr. B. G Krishna Iyengar is found in the last Column of the Pukka Potgi Regr for 1879-80:

"The present officiator Basappa is the Son of

× of Halla Kusuvi Village for 1879-80

11

the Registered no. 2.

Registered no 1 was
dismissed in 1874
and this man appoint
-ed Patel in his stead.
He is fit and may be
confirmed as there
are no objections.

Pay Rs 52 "

(6)

No 822 of 1892

Appt

1 Eswarappa

2 Devappa —

of Tallakudere

Channagiridrug

Shimoga. —

Respt

Basappa

In 1869 Eddappa the father of the 2° appt & the uncle of the 1st Respt was Patail was convicted of having collected money from Ryots in excess of the sum laid down for payment to the men employed in Survey & dismissed from office & it having been ordered that one unconnected with the family should be recommended for the office, the Respt ~~was the son of another Patail~~ a stranger was appointed in 1874 as acting Patail & confirmed in the office in 1879. Applicants were then (in 1879) 11 or 12 years old,

& they claimed
the office in 1890. R
& Govt rejected
their claim in January
1891 & the appeal
is against the order.

When Respt was confirmed in her office in 1879
~~appointed~~, the Govt who confirmed them
thought that Respt was the
son of another Huckdar
named Virabhadriah
but the Respt now admits
that he is not the son
of V Virabhadriah whose
name appears
in the account of 1864,
but of another Virabhadriah,
who was never a Patail.

Considering that
the late Patail was
dismissed for an offence,
& that Respt has been in
office for upwards of 12 years,
the Govt are not disposed
to disturb the

V4

existing arrangement,
but direct that on the
occurrence of a vacancy
~~a member of the appts~~
the claims of the 2d appt., or a competent
member of her family to
be appointed to the post-
taken into consideration.

A.L.S. 20/1/94 20.1

Post—

As 2d appts father was
dismissed for an offence, &
the Respt has been in office for
upwards of 12 years, the
existing arrangement cannot
be disturbed, but the 2d appt or
a competent member of her family
will be appointed to the post
on the occurrence of a vacancy

A.L.S. A.T.S. 20/1.

I have made
a slight alt
that prior
regt to any
vacancy

A.L.S. 20/1

A.L.S. 23/1/94

Secy A.T.S. 23/1

(General Serial No. 62.)

189 /.

No. 822 - 4609

Name of Petitioners. Eranna appa
and Lingappa and others

Village. Emmi Kadur

Taluk. Chennagiri

District. Shimoga

Date of Arzi. 20 - 7 - 9[illegible]

Date of Receipt. 24 - 7 - 9[illegible] - 7/92

Date of Disposal.

No. of Enclosures. Two.

appeal at this time
Call on Amildar
J.P.
7/8/92

ABSTRACT.

1. That they were appointed
held the office of Patel of
Emmi Kadur village, Chen
gere Taluk, Shimoga Dist
from the time memorial
In 1835 - the Applicant's
who was then Patel obtain
a demand of 23 July 1835.

2. In 1869 the 1st Appellant
father who was then Patel
was removed from the Off
for being fined in a crimi
case against him; when
the Applicants were mi
Consequently Puttaiah

the present Petn who has no claim to the office are appointed to act for them.

3. The appellants after attaining their majority and being formal parties completed to trial the office application for restoration, when the learned Judge gave a decision by [illegible] that the existing Petn control be recommended for removal from the office.

4. The appellants further proposed to plead to the by-laws, also issued an order (Ex. D, p. 261, 191) that the learned order was correct.

5. The by-laws order is quite contrary to the Procedure, Rule 324, 34, 31 of 81.

6. Appellants, therefore pray that on perusal of papers and the affidavits may be appointed to the office of Petn.

No. 139.

Dy. Commissioner's order

The order appealed against
the decision is correct.
There is no reason to
decide this case summarily
as applied for. The costs
even are returned.

26-1-91.

No 28 R 12

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

From the Commr Dhg 4/6 & 2nd/3/92

The accompanying Petition No: 8224 of 92
dated 20-7 & 26/12/91 received at the
Dewan's Office from Eswarappa
& Nadapala, Sudden Kudure
Channagiri Taluk, claiming
the Patel office of
the said village

is forwarded, together with its ~~two~~ Six
enclosures, to the Deputy Commr
Shimoga District, for enq-
uiries & Report in the case & on the
points taken in the petition.
2. The petitioner should be informed

By Order,

Chief Secretary.

BANGALORE,
13. June 1892

Petr sent

(General Serial No. 30.)

1892. 830

From The Collector of Chingleput

To The Chief Secretary to the Govt. of Madras

Dated 21st June 1892

Despatched 21

Received

Enclosures No. 10

General No. 10
No

With reference to Chief Secretary's Official Memo No. 28 G 13th June 1892, I submit report with proceedings in connection with the petition from Eswarappa and Siddappa of Nallattur, Chamarajpet Taluk, claiming to be Patels of the said village.

Peter Benson Joseph 22/7

Observe that the important Proc: connected with the case have not been submitted at all. The records of 1869 (Revenue) and of 1873 referred to in the Asst Collr's report No. 50 dated 6th July 92 should be submitted at an early date. together with a further report as to when the appellants Eswarappa & Siddappa attained their majority. Submission of incomplete Procs should be avoided in future as if only tends to cause unnecessary delay

Never: Proc: now received are herewith returned for reference & remarks

BO
M
Hodgson

23/7

such a length of time -

Upon this, the Petitioners appealed to the Deputy Commissioner on the 26th January 1891 praying for the restoration of the Patéli under Govt. Proceedings No 924-34 dated 31st May 1881, and the endorsement given by the Amildar was confirmed.

924-34

The Petition with enclosures — received with your letter under advertence is herewith submitted with the Proceedings connected with the Case.

I have the honor to be

Sir,

Your most obedient Servant.

Abdul Rahiman, Khan Bahadur

By Commissioner
Shimoga Dist

[illegible]

19-7-91

19-7-91

822

Camp Reg No 45 [illegible]

(General Serial No. 30.)

96 189 .

From—

The Chief Secretary
to the Dewan of Mysore.

To

The Deputy Comr,
Shimoga Dt.

Dated 15
Despatched 189
Received Sept. 1892.

Enclosures No. Title of Encl. Enclo.

General No. 4374
Pet. J. No. 166 — 92

Calling for certain papers
connected with the petition
of Valia Kadesaheb village,
Channagiri Taluk.

References to be marked.

To
The Dy. Comr., Sirsa.

—o—

Ref. No. 1/393 dt. 3rd July 1911
submitting report with regard
in connection with the appeal
petition of Chhuara Jat &
Sikandar Jat Malikhedi
Cranmajra Tehsil, claim-
ing the Patti of the said
village.

—o—

With reference to the
above has the honor to state
that the important Papers
connected with the case have
not been submitted as yet.
The records of Civil & Criminal Courts of Sirsa, re-
ferred to in the Misl dated
Regt. No. 3 dt. 3rd July 11,
the Patti Register of Sirsa
and the Kifayat Ziji, Settle-
ment Register of Sirsa should
be submitted at an early

date. Register notice of further
Report as to the
Applications Examination
& Publication attained
their majority.

2. Submission of incom-
plete Cases should be
avoided in future, as it
only tends to cause unne-
cessary delay.

3. The various Cases now be-
ing returned are herewith re-
turned for further & re-
submission.

By order

Draft

Mr
15/8
Under Secy

VR

No 42 of 1869 dt 31/ the file of the District Magistrate Court is affirmed, so also are the Extracts from the Patel Register of 1864, and the Patika Patgi Settlement Register of 1879 -

3. The Statement of the Chamargiri Talak referred in his Statement No 519 dated 26 th December last that Sekwarappa and Lidagipa were about 24 years old and the records of inquiry on the point submitted by the Statement are also attached -

A. Lutchmanan Asst
by Commissioner

Before the Government of His Highness the
Maharajah of Mysore

Appeal No 210 of 1891–92.

Appellants
1. Eswarappa
2 Sivappa
of Malleshwara, Thenagini Taluk,
Shimoga District

Respondent
Bucadappa

Decision dated 23d January
1894

In 1869, Siddappa, the father of the 2d appellant and the uncle of the 1st, who was Patail was convicted of having collected money from ryots in respect of the cannie being paid to the men employed in the Survey, and dismissed from office, and in having been ordered that one reconnected with the family should be recommended

for the Office, the Respondent—
a stranger — was appointed
in 1874 as acting Patail,
and confirmed in his Office
in 1879. Appellants were
then (in 1879) 11 or 12 years
old, and they claimed the
Office in 1890. The Deputy
Commissioner rejected their
claim in January 1891 and
the appeal is against his
order.

2. The Main Respondent
was confirmed in his Office
in 1879, the Assistant Com-
missioner who confirmed
him thought that Respondent
was the son of another
Hindu named Virabhadria,
but the Respondent now
admits that he is not the
son of Virabhadria whose
name appears in the
account of 1864, but of

5-2-94

No. 922-4609-

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

28th January 1894

5-2-

Endorsement granted to Ennappa and Settappa of Nallahadde, Channagiri Taluk;

in reply to their Petition Registered No. 922 of 4609, dated 24th July & 24th Dec 1891, appealing against the Deputy Commr's order regarding the Patelli Vice of the said village

Petitioners are informed that as 2d appellant's father was dismissed for an offence and the Respondent Basappa has been in office for upwards of 12 years, the existing arrangement cannot be disturbed but the 2d appellant or a competent member of his family will be appointed to the post on the occurrence of a vacancy.

2. The enc: are returned

Received 28/1/1894

Received 31/1

"By Order"

Chief Secretary.

Mysore Govt. Central Press, B... —9-2-93—2000.

Deputy Commissioner's Office
Shimoga District.
Dated 20th July 1892.

No. 410/393

To

The Chief Secretary to the
Dewan of Mysore.

Sir,

With reference to your official Memorandum No. 28 dated 13th. Instant forwarding a Petition from Eswarappa and Siddappa of Nallukudré, Chamuja Taluk claiming the Pateli Office of the said village, for submission of the Proceedings with a report on the facts of the case, I have the honor to report that the Petitioners urge the following grounds for the restoration of the Pateli Office to their family.-

(1). Siddaiya Gowda was the Hakdar Patél and Eswarappa (1st. Petitioner) is his son, and Siddappa (2d. Petitioner) is the son of the Hakdar's Patel's elder brother

(2). Hakdar Patél Siddaiya gowda was accused of a criminal offence under Sections 161 and 109 of the I. P. Code was fined 100 Rs. and was dismissed from the office in 1869.

(3). One Basaiya, a raiyath of the village unconnected with the Patels family, was appointed Patél, and his appointment was confirmed at the Dakka Potgi Settlement in 1879.

(4). Petitioners were minors at the time of the Potgi Settlement. A petition was presented by them to the Amildar in 1890 for the restoration of the office. They received an endorsement to the effect that Siddaiya was convicted of a criminal offence and that Basaiya was appointed instead, he being unconnected with the Hakdar family and that he could not be removed after such

(General Serial No. 30)

1893.

13640
Pet 632

From

The Dy Commissioner
Shimoga District

(5)

Lr. 177-94-5

To

The Chief Secretary to the Dewan
of Mysore.

Dated 30th June 1893

Despatched

Received

Enclosures No. nil: received

General No. 1547
No. 1485

With reference to his docket-No. 4374/Pet 7166 dated 15th September last submits file of Vernacular Proceedings in connection with the appeal Petition of Ishwarappa and Siddappa of Nallakudre, Chanagiri Taluk claiming the Pateli of the said village.

Petn for
Mrn
3/7

30 Q 1893

From

The Deputy Commissioner
Shimoga District

To

The Chief Secretary to the
Dewan of Mysore.

Dated 30th June 1893

No 1547 Rev Record.
1485

His docket No 4374
Pet 7/66

September last calling for further re
in connection with the appeal Pet
of Ishwarappa and Siddappa o
Nallakudre, Chanagiri Taluk, c
ing the Pateli of the said villag

— o —

In retransmitting the file
Vernacular Proceedings receive
with the above, has the honor to
state that the Revenue record
of 1869 and 1873 connected with
case and referred to in the Am
dar's report No 50 of the 6th July
have been destroyed. The Revenue
Head Recordkeeper's Certificate to
effect is filed in the Proceeding

2. The Judgment in Criminal

34

another Virabhadria who was never a Potail.

3. Considering that the late Patail was dismissed for an offence, and that Respondent has been in office for upwards of 12 years the Government are not disposed to disturb the existing arrangement, but direct that on the occurrence of a vacancy, the claims of the 2d appellant or of a competent member of his family to be appointed to the post be taken into consideration.

By order.

Chief Secretary

28/1/94

Redraft

No. 12741 / Pet. F. 166-92 dt 28-1-94 / 5-2-94

Copy to the Deputy Commissioner, Shimoga Dist. with the ver: proceedings received with his No. 410/893 dt 20th July 92.

By order.

Chief Secretary

by Secy.
Dated 5/2/94